



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Public Hearing to Consider Report for Sidewalk Repairs and to Confirm the Report as Submitted by the Public Works Department

**MEETING DATE:** November 7, 2007

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Conduct a public hearing to consider the Report for Sidewalk Repairs, hear protests from the public, and to confirm the report as submitted by the Public Works Department. Following the public hearing, the Council will be asked to confirm the cost of repairs report, determine the method of payment, assess the cost of repairs to the affected property (121 Olive Court), and order the preparation of a Notice of Lien to be filed with the tax collector. The property owner was billed on July 27, 2007, for the \$5,566.12 cost of repair. As of October 24, 2007, the property owner has not responded. Streets and Highway Code Section 5616 requires that a public hearing be held to hear and pass upon the report of cost of repairs and to hear protests which may be raised by property owners.

**BACKGROUND INFORMATION:** As part of the City's sidewalk maintenance program, on March 7, 2007, the City notified eleven property owners their sidewalks needed to be repaired. These notices were sent to property owners with the worst offsets according to our sidewalk survey. Some owners took care of the need immediately on their own, some asked for assistance in completing the work, and one owner did not perform.

The Curb, Gutter & Sidewalk Maintenance Policy, approved by Council, provides several alternatives for the cost of repairs. Those alternatives are: a) City will advance funds for installation or maintenance without interest if the property owner agrees to make payments over the course of twelve months and upon execution of a written payment agreement with the City; b) property owners meeting low-income eligibility per the City's SHARE Program may elect to defer maintenance costs until transfer of ownership with execution of a payment agreement with a fixed interest; or c) the City Manager is authorized to execute payment agreements and file liens and assessments with the County Tax Collector and/or Recorder as appropriate to secure payment.

Property owners were given up to three notices over a two-month period, indicating that if they did not make the repairs, the City's contractor would repair the sidewalk.

The following is a list of the eleven properties that received sidewalk repair notifications and the response:

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

Street Address	Cost Estimate	Work Accomplished
1636 South School Street	\$6,115	Property owner hired contractor. Work completed 6/12/07.
354 East Oak Street	\$966	Property owner hired contractor. Work completed 5/11/07.
421 South Pleasant Avenue	\$14,318	Property owner hired City. Work completed 7/7/07.
731 North Ham Lane	\$8,727	Property owner hired contractor. Work completed 5/11/07.
110 North Mills Avenue	\$4,330	Property owner hired contractor. Work completed 5/11/07.
523 Tamarack Drive	\$1,835	Property owner hired contractor. Work completed 7/23/07.
725 North Lincoln Avenue	\$1,835	Property owner hired contractor. Work completed 5/11/07.
1615 Edgewood Drive	\$1,942	Property owner hired contractor. Work completed 5/11/07.
1701 Holly Drive	\$3,197	Property owner hired contractor. Work completed 3/26/07.
75 North Crescent Avenue	\$3,772	Property owner hired City. Work completed 7/16/07.
<b>121 Olive Court</b>	<b>\$5,566 (Actual Cost)</b>	<b>Failed to perform. City completed repair; billed property owner.</b>

Based on previous cases, the Council determined that the collection method for cost of repairs to sidewalks would be to turn a Notice of Lien over to the Tax Collector. It is staff's recommendation that this be continued.

**FISCAL IMPACT:** The Street Fund could recover \$5,566.12, which includes the City's administrative time, if Council approves staff's recommendation to file a Notice of Lien with the Tax Collector.

**FUNDING AVAILABLE:** None was required.

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Richard C. Prima, Jr.  
Public Works Director

RCP/GMB/dsg

cc: Fernando Almeida, 121 Olive Court, Lodi, CA, 95240



***Please immediately confirm receipt  
of this fax by calling 333-6702***

CITY OF LODI  
P. O. BOX 3006  
LODI, CALIFORNIA 95241-1910

**ADVERTISING INSTRUCTIONS**

**SUBJECT: PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK  
REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY  
THE PUBLIC WORKS DEPARTMENT**

**PUBLISH DATE: SATURDAY, OCTOBER 20, 2007**


**LEGAL AD**

**TEAR SHEETS WANTED: One (1) please**

**SEND AFFIDAVIT AND BILL TO:** RANDI JOHL, CITY CLERK  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910

**DATED: THURSDAY, OCTOBER 18, 2007**

**ORDERED BY:** RANDI JOHL  
CITY CLERK

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
CYNTHIA MURPHY  
ADMINISTRATIVE CLERK

**Verify Appearance of this Legal in the Newspaper – Copy to File**

LNS Faxed to the Sentinel at 369-1084 at 2:40 (time) on 10/18/07 (date) \_\_\_\_\_ (pages)  
Phoned to confirm receipt of all pages at \_\_\_\_\_ (time) \_\_\_\_\_ JLT \_\_\_\_\_ DRC \_\_\_\_\_ JMP (initials)



## **DECLARATION OF POSTING**

### **PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT**

On Friday, October 19, 2007, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library  
Lodi City Clerk's Office  
Lodi City Hall Lobby  
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 19, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
CYNTHIA MURPHY  
ADMINISTRATIVE CLERK



## **DECLARATION OF MAILING**

### **PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS AND TO CONFIRM THE REPORT AS SUBMITTED BY THE PUBLIC WORKS DEPARTMENT**

On Thursday, October 18, 2007, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing Notice of Public Hearing to consider Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.


There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 18, 2007, at Lodi, California.

ORDERED BY:

**RANDI JOHL  
CITY CLERK, CITY OF LODI**

  
JENNIFER M. PERRIN, CMC  
DEPUTY CITY CLERK

\_\_\_\_\_  
CYNTHIA MURPHY  
ADMINISTRATIVE CLERK



## CITY OF LODI

Carnegie Forum  
305 West Pine Street, Lodi

### NOTICE OF PUBLIC HEARING

Date: November 7, 2007

Time: 7:00 p.m.

For information regarding this notice please contact:

**Randi Johl,**

**City Clerk**

**Telephone: (209) 333-6702**

**EXHIBIT A**

### NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Wednesday, November 7, 2007**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) Report for Sidewalk Repairs and to confirm the Report as submitted by the Public Works Department.

Information regarding this item may be obtained in the Public Works Department, 221 West Pine Street, Lodi, (209) 333-6706. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2<sup>nd</sup> Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

A handwritten signature in black ink, appearing to be "Randi Johl", written over a circular notepad or stamp.

Randi Johl  
City Clerk

**Dated: October 17, 2007**

Approved as to form:

A handwritten signature in black ink, appearing to be "D. Stephen Schwabauer", written in a cursive style.

D. Stephen Schwabauer  
City Attorney

**PUBLIC HEARING TO CONSIDER REPORT FOR SIDEWALK REPAIRS  
AND TO CONFIRM THE REPORT AS SUBMITTED BY THE  
PUBLIC WORKS DEPARTMENT**

**MAILING LIST**

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Fernando Almeida  
121 Olive Court  
Lodi, CA 95240